

Arlington Town Meeting Voting Results 05/02/2016

2016 Annual Town Meeting (Third Session)
Monday, May 2, 2016

Annual Town Meeting

ARTICLE 18 BYLAW AMENDMENT/EXPANDING EQUAL PROTECTION

VOTED: (UNANIMOUS)

That Title II, Article 9, Sections 2 and 5 be and are hereby amended by striking the word “gender” and replacing it with the words “sex, gender identity or expression” in relevant parts so as to read as follows:

ARTICLE 9: HUMAN RIGHTS COMMISSION

Section 2. Policy of the Town of Arlington

- C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, ~~gender~~ sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.*
- D. It shall be considered an unlawful practice under this Bylaw for any person to deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal access to and/or discrimination in employment, housing, education, recreation, services, public accommodation and public area where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, ~~gender~~ sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.*

Section 5. Functions, Powers & Duties of the Commission

A. To initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry through the following actions:

- 1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, ~~gender~~ sex, gender identity or expression,, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.***

**A true copy of the vote under
Article 18 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016.**

ATTEST: Town Clerk

ARTICLE 19 BYLAW AMENDMENT/ARLINGTON HUMAN RIGHTS COMMISSION EXECUTIVE DIRECTION

VOTED: (UNANIMOUS)

That Title II, Article 9, Section 3 be and is hereby amended by striking the word “shall” and replacing it with “may” in the second paragraph of subsection B.1; adding the words “if determined necessary by the Commission, to be,” after the words “Executive Director” and adding the words “with consultation by the Commission.” at the end of the second paragraph of same; and further that the words “obtain the approval of the Board of Selectmen” be struck from the first full sentence of subsection D, so as to read in relevant parts as follows:

ARTICLE 9: HUMAN RIGHTS COMMISSION

B. Appointment & Terms of Office of Commission Members

- 1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the school committee, four by the Town Manager subject to the approval of the Board of Selectmen and four by the Town Moderator. The term of office shall be for three years except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.***

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There ~~shall~~ may be an Executive Director if determined necessary by the Commission, appointed by the Town Manager with consultation by the Commission.

D. Executive Director. Before appointing an Executive Director, the Town Manager shall ~~obtain the approval of the Board of Selectmen and~~ consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

A true copy of the vote under
Article 19 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016.

ATTEST: Town Clerk

ARTICLE 20 BYLAW AMENDMENT/ARLINGTON HUMAN RIGHTS COMMISSION
CHAIRPERSONS

VOTED: (UNANIMOUS)

That Title II, Article 9, Section 3.E.1 be and is hereby amended by adding the words “or two Co-Chairpersons” to the first sentence of the first paragraph and “Co-Chairpersons” to the second paragraph so to read as follows:

E. Officers, Quorum, and Adoption of Rules and Regulations

- 1. The Commission shall elect a Chairperson or two Co-Chairpersons from among its members at the first meeting each year. The Commission shall endeavor to rotate the election of a Chairperson each year thereafter.*

The Chairperson or Co-Chairpersons shall preside over the meetings of the Commission.

A true copy of the vote under
Article 20 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016.

ATTEST: Town Clerk

ARTICLE 22 BYLAW AMENDMENT/TREE PRESERVATION BYLAW

VOTED: (ELECTRONIC TALLY - YES - 200 - NO -9)

That the Title V of the Town Bylaws be and are hereby is amended to add Article 16 as follows:

ARTICLE 16 TREE PROTECTION AND PRESERVATION

SECTION 1. Findings and Purpose

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

The purpose of this By-law is to minimize the impact of residential and commercial development on trees within the Town of Arlington. Loss of trees during demolition of existing buildings, construction of new buildings and/or expansion of existing buildings, without mitigation, threatens to significantly reduce Arlington's tree canopy.

SECTION 2. Definitions

A. The following definitions shall apply to this By-law:

“Building Footprint” – Outline of the total area covered by a building's perimeter at ground level.

“Caliper” – Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

“DBH (Diameter at Breast Height)” – Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above the ground.

“Demolition” – Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

“Protected Tree” - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

“Setback Area” – The portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

“Tree Fund” – An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

“Tree Plan” – A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

“Tree Removal” – The cutting down of a tree.

"Tree Warden" - The Tree Warden or his/her designee.

- B. Additional definitions may be provided in rules and regulations approved by the Board of Selectmen where consistent with the intent and efficient execution of this By-law.*

SECTION 3. Applicability

- A. The requirements of this By-law and all applicable rules and regulations apply to the following circumstances:*
- (1) Proposed demolition of an existing residential or non-residential structure;*
 - (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or*
 - (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.*
- B. Sites under the jurisdiction of the Arlington Redevelopment Board (“ARB”) or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington’s Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interests of the community and the reasons therefore are memorialized by such bodies.*
- C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c. 87 § 1.*

SECTION 4. Procedures and Requirements for the Preservation of Trees

- A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.*
- B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building*

or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C.

- C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a \$500 payment made to the Tree Fund prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.*
- D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.*
- E. An owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Board of Selectmen at a public hearing. A written decision on such appeals shall be rendered within 14 business days of the close of such hearing(s).*

Section 5. Enforcement and Fines

- A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Board of Selectmen. Said activities are:*
 - (1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$300 per day of work. There shall also be a fine for each Protected Tree removed.*
 - (2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$300.*
 - (3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-law. There shall be a fine of \$300 for each day until mitigation is achieved.*
- B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.*
- C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Board of Selectmen at a public hearing.*

Section 6. Administration

The Board of Selectmen shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

Section 7. Severability Clause

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Section 8. Relationship to Other Laws

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.

**A true copy of the vote under
Article 22 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk

**ARTICLE 23 BYLAW AMENDMENT/ELECTRONIC DISTRIBUTION OF
NOTICES AND MATERIALS**

VOTED: (ELECTRONIC TALLY - YES 202, NO - 7) (POSITIVE VOTE)

That Title I, Article be and hereby is amended by adding section 12 “Electronic Distribution of Town Meeting Notices and Materials” to read in pertinent part as follows:

ARTICLE 1: TOWN MEETINGS

Section 12. Electronic Distribution of Town Meeting Notices and Materials

Town Meeting Members may, by written confirmation, elect to receive electronic copies of annual and special town meeting warrants, reports of Town Boards, Committees, and Commissions, including the reports of the Board of Selectmen, the Finance Committee, the Capital Planning Committee, and the Arlington Redevelopment Board, as well as all other Town Meeting materials, including motions.

The timing of electronic distribution shall be made consistent with all local and state requirements for notice and distribution by paper copy. Compliance with this section shall constitute full legal notice of any Town Meeting or Election.

Written confirmation under this section shall require provision of a valid electronic mail address to the Town Clerk. Town Meeting Members may opt out of electronic distribution at any time by written notice to the Town Clerk.

**A true copy of the vote under
Article 23 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk

ARTICLE 26 VOTE/EMAIL ACCOUNTS FOR MEMBERS OF PUBLIC BODIES

VOTED: (ELECTRONIC TALLY, YES - 105, NO - 95

That in accordance with Section 15(j) of the town Manager Act of the Town of Arlington, Massachusetts, the Town does hereby request that the Town Manager provide individual Town email accounts to members of the Board of Assessors, Redevelopment Board, and to members of any other public bodies subject to the Public Records Law that the Town Manager may deem appropriate. The email addresses for such accounts shall be the only addresses listed on the Town's websites for the members of the affected public bodies, and shall be the exclusive means of email communications from Town employees to the members of the affected public bodies when conducting Town business. Notwithstanding the above, no member of a public body affected by this vote shall be required to use email to conduct Town business.

**A true copy of the vote under
Article 26 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk

ARTICLE 27 VOTE/LOBBYING BY PUBLIC OFFICIALS

VOTED: (UNANIMOUS)

NO ACTION.

**A true copy of the vote under
Article 27 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk

ARTICLE 28

VOTE/AUTHORIZING COMMUNITY CHOICE AGGREGATION

VOTED: (ELECTRONIC TALLY, YES - 177, NO - 22)

Pursuant to M.G.L. c. 164 sec. 134, Town Meeting hereby authorizes the appropriate Town officials and departments to commence the process of developing a Community Choice Electrical Aggregation Program, and to research, develop and participate in a contract, or contracts to aggregate the electricity load of the residents and businesses in the Town of Arlington and for other related services, independently, or in joint action with other municipalities, and authorize the Town Manager to execute all documents necessary accomplish the same.

**A true copy of the vote under
Article 28 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk

ARTICLE 29

REMOVAL OF EASEMENT RESTRICTION

**VOTED: (2/3RDS VOTE - MORE THAN 85 TOWN MEETING MEMBERS
PRESENT AND VOTING)**

That the Town hereby releases the exterior lines taken by the Town of Arlington upon the real property located at the corner of 54 Pleasant View and Spring Street for the purpose of a roadway extension, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, in exchange for the valuable consideration of \$28,000, as authorized by M.G.L. c. 40 §15.

**A true copy of the vote under
Article 29 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2016**

ATTEST: Town Clerk